

# BOYS WILL BE BOYS<sup>1</sup>

BY IRVIN S. COBB

*From The Saturday Evening Post*

WHEN Judge Priest, on this particular morning, came puffing into his chambers at the courthouse, looking, with his broad beam and in his costume of flappy, loose white ducks, a good deal like an old-fashioned full-rigger with all sails set, his black shadow, Jeff Poindexter, had already finished the job of putting the quarters to rights for the day. The cedar water bucket had been properly replenished; the jagged flange of a fifteen-cent chunk of ice protruded above the rim of the bucket; and alongside, on the appointed nail, hung the gourd dipper that the master always used. The floor had been swept, except, of course, in the corners and underneath things; there were evidences, in streaky scrolls of fine grit particles upon various flat surfaces, that a dusting brush had been more or less sparingly employed. A spray of trumpet flowers, plucked from the vine that grew outside the window, had been draped over the framed steel engraving of President Davis and his Cabinet upon the wall; and on the top of the big square desk in the middle of the room, where a small section of cleared green-blotter space formed an oasis in a dry and arid desert of cluttered law journals and dusty documents, the morning's mail rested in a little heap.

Having placed his old cotton umbrella in a corner, having removed his coat and hung it upon a peg behind the hall door, and having seen to it that a palm-leaf fan was

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in arm's reach should he require it, the Judge, in his billowy white shirt, sat down at his desk and gave his attention to his letters. There was an invitation from the Hylan B. Gracey Camp of Confederate Veterans of Eddyburg, asking him to deliver the chief oration at the annual reunion, to be held at Mineral Springs on the twelfth day of the following month; an official notice from the clerk of the Court of Appeals concerning the affirmation of a judgment that had been handed down by Judge Priest at the preceding term of his own court; a bill for five pounds of a special brand of smoking tobacco; a notice of a lodge meeting — altogether quite a sizable batch of mail.

At the bottom of the pile he came upon a long envelope addressed to him by his title, instead of by his name, and bearing on its upper right-hand corner several foreign-looking stamps; they were British stamps, he saw, on closer examination.

To the best of his recollection it had been a good long time since Judge Priest had had a communication by post from overseas. He adjusted his steel-bowed spectacles, ripped the wrapper with care and shook out the contents. There appeared to be several inclosures; in fact, there were several — a sheaf of printed forms, a document with seals attached, and a letter that covered two sheets of paper with typewritten lines. To the letter the recipient gave consideration first. Before he reached the end of the opening paragraph he uttered a profound grunt of surprise; his reading of the rest was frequently punctuated by small exclamations, his face meantime puckering up in interested lines. At the conclusion, when he came to the signature, he indulged himself in a soft low whistle. He read the letter all through again, and after that he examined the forms and the document which had accompanied it.

Chuckling under his breath, he wriggled himself free from the snug embrace of his chair arms and waddled out of his own office and down the long bare empty hall to the

office of Sheriff Giles Birdsong. Within, that competent functionary, Deputy Sheriff Breck Quarles, sat at ease in his shirt sleeves, engaged, with the smaller blade of his pocketknife, in performing upon his finger nails an operation that combined the fine deftness of the manicure with the less delicate art of the farrier. At the sight of the Judge in the open doorway he hastily withdrew from a tabletop, where they rested, a pair of long thin legs, and rose.

"Mornin', Breck," said Judge Priest to the other's salutation. "No, thank you, son. I won't come in; but I've got a little job for you. I wisht, ef you ain't too busy, that you'd step down the street and see ef you can't find Peep O'Day fur me and fetch him back here with you. It won't take you long, will it?"

"No, suh — not very." Mr. Quarles reached for his hat and snuggled his shoulder holster back inside his unbuttoned waistcoat. "He'll most likely be down round Gafford's stable. Whut's Old Peep been doin', Judge — gettin' himself in contempt of court or somethin'?" He grinned, asking the question with the air of one making a little joke.

"No," vouchsafed the Judge; "he ain't done nothin'. But he's about to have somethin' of a highly onusual nature done to him. You jest tell him I'm wishful to see him right away — that'll be sufficient, I reckon."

Without making further explanation, Judge Priest returned to his chambers and for the third time read the letter from foreign parts. Court was not in session, and the hour was early and the weather was hot; nobody interrupted him. Perhaps fifteen minutes passed. Mr. Quarles poked his head in at the door.

"I found him, suh," the deputy stated. "He's outside here in the hall."

"Much obliged to you, son," said Judge Priest. "Send him on in, will you, please?"

The head was withdrawn; its owner lingered out of sight of His Honor, but within earshot. It was hard to

figure the presiding judge of the First Judicial District of the State of Kentucky as having business with Peep O'Day; and, though Mr. Quarles was no eavesdropper, still he felt a pardonable curiosity in whatsoever might transpire. As he feigned an absorbed interest in a tax notice, which was pasted on a blackboard just outside the office door, there entered the presence of the Judge a man who seemingly was but a few years younger than the Judge himself — a man who looked to be somewhere between sixty-five and seventy. There is a look that you may have seen in the eyes of ownerless but well-intentioned dogs — dogs that, expecting kicks as their daily portion, are humbly grateful for kind words and stray bones; dogs that are fairly yearning to be adopted by somebody — by anybody — being prepared to give to such a benefactor a most faithful doglike devotion in return.

This look, which is fairly common among masterless and homeless dogs, is rare among humans; still, once in a while you do find it there too. The man who now timidly shuffled himself across the threshold of Judge Priest's office had such a look out of his eyes. He had a long simple face, partly inclosed in gray whiskers. Four dollars would have been a sufficient price to pay for the garments he stood in, including the wrecked hat he held in his hands and the broken, misshaped shoes on his feet. A purchaser who gave more than four dollars for the whole in its present state of decrepitude would have been but a poor hand at bargaining.

The man who wore this outfit coughed in an embarrassed fashion and halted, fumbling his ruinous hat in his hands.

"Howdy do?" said Judge Priest heartily. "Come in!"

The other diffidently advanced himself a yard or two.

"Excuse me, suh," he said apologetically; "but this here Breck Quarles he come after me and he said ez how you wanted to see me. 'Twas him ez brung me here, suh."

Faintly underlying the drawl of the speaker was just a suspicion — a mere trace, as you might say — of a labial softness that belongs solely and exclusively to the children, and in a diminishing degree to the grandchildren, of native-born sons and daughters of a certain small green isle in the sea. It was not so much a suggestion of a brogue as it was the suggestion of the ghost of a brogue; a brogue almost extinguished, almost obliterated, and yet persisting through the generations — South of Ireland struggling beneath south of Mason and Dixon's Line.

"Yes," said the Judge; "that's right. I do want to see you." The tone was one that he might employ in addressing a bashful child. "Set down there and make yourself at home."

The newcomer obeyed to the extent of perching himself on the extreme forward edge of a chair. His feet shuffled uneasily where they were drawn up against the cross rung of the chair.

The Judge reared well back, studying his visitor over the tops of his glasses with rather a quizzical look. In one hand he balanced the large envelope which had come to him that morning.

"Seems to me I heared somewheres, years back, that your regular Christian name was Paul — is that right?" he asked.

"Shorely is, suh," assented the ragged man, surprised and plainly grateful that one holding a supremely high position in the community should vouchsafe to remember a fact relating to so inconsequent an atom as himself. "But I ain't heared it fur so long I come mighty nigh furr-gittin' it sometimes, myself. You see, Judge Priest, when I wasn't nothin' but jest a shaver folks started in to callin' me Peep — on account of my last name bein' O'Day, I reckon. They been callin' me so ever since. Fust off, 'twas Little Peep, and then jest plain Peep; and now it's got to be Old Peep. But my real entitled name is Paul, jest like you said, Judge — Paul Felix O'Day."

"Uh-huh! And wasn't your father's name Philip and your mother's name Katherine Dwyer O'Day?"

"To the best of my recollection that's partly so, too, suh. They both of 'em up and died when I was a baby, long before I could remember anything a-tall. But they always told me my paw's name was Phil, or Philip. Only my maw's name wasn't Kath — Kath — wasn't whut you jest now called it, Judge. It was plain Kate."

"Kate or Katherine — it makes no great difference," explained Judge Priest. "I reckon the record is straight this fur. And now think hard and see ef you kin ever remember hearin' of an uncle named Daniel O'Day — your father's brother."

The answer was a shake of the tousled head.

"I don't know nothin' about my people. I only jest know they come over frum some place with a funny name in the Old Country before I was born. The onliest kin I ever had over here was that there no-'count triflin' nephew of mine — Perce Dwyer — him that uster hang round this town. I reckon you call him to mind, Judge?"

The old Judge nodded before continuing:

"All the same, I reckon there ain't no manner of doubt but whut you had an uncle of the name of Daniel. All the evidences would seem to p'int that way. Accordin' to the proofs, this here Uncle Daniel of yours lived in a little town called Kilmare, in Ireland." He glanced at one of the papers that lay on his desktop; then added in a casual tone: "Tell me, Peep, whut are you doin' now fur a livin'?"

The object of this examination grinned a faint grin of extenuation.

"Well, suh, I'm knockin' about, doin' the best I kin — which ain't much. I help out round Gafford's liver' stable, and Pete Gafford he lets me sleep in a little room behind the feed room, and his wife she gives me my vittles. Oncet in a while I git a chancet to do odd jobs fur folks round town — cuttin' weeds and splittin' stove wood and packin' in coal, and sech ez that."

"Not much money in it, is there?"

"No, suh; not much. Folks is more prone to offer me old clothes than they are to pay me in cash. Still, I manage to git along. I don't live very fancy; but, then, I don't starve, and that's more'n some kin say."

"Peep, whut was the most money you ever had in your life — at one time?"

Peep scratched with a freckled hand at his thatch of faded whitish hair to stimulate recollection.

"I reckon not more'n six bits at any one time, suh. Seems like I've sorter got the knack of livin' without money."

"Well, Peep, sech bein' the case, whut would you say ef I was to tell you that you're a rich man?"

The answer came slowly:

"I reckon, suh, ef it didn't sound disrespectful, I'd say you was prankin' with me — makin' fun of me, suh."

Judge Priest bent forward in his chair.

"I'm not prankin' with you. It's my pleasant duty to inform you that at this moment you are the rightful owner of eight thousand pounds."

"Pounds of whut, Judge?" The tone expressed a heavy incredulity.

"Why, pounds in money."

Outside, in the hall, with one ear held conveniently near the crack in the door, Deputy Sheriff Quarles gave a violent start; and then, at once, was torn between a desire to stay and hear more and an urge to hurry forth and spread the unbelievable tidings. After the briefest of struggles the latter inclination won; this news was too marvelously good to keep; surely a harbinger and a herald were needed to spread it broadcast.

Mr. Quarles tiptoed rapidly down the hall. When he reached the sidewalk the volunteer bearer of a miraculous tale fairly ran. As for the man who sat facing the Judge, he merely stared in a dull bewilderment.

"Judge," he said at length, "eight thousand pounds of money oughter make a powerful big pile, oughten it?"

"It wouldn't weigh quite that much ef you put it on the scales," explained His Honor painstakingly. "I mean pounds sterlin'—English money. Near ez I kin figger offhand, it comes in our money to somewheres between thirty-five and forty thousand dollars—nearer forty than thirty-five. And it's yours, Peep—every red cent of it."

"Excuse me, suh, and not meanin' to contradict you, or nothin' like that; but I reckon there must be some mistake. Why, Judge, I don't scursely know anybody that's ez wealthy ez all that, let alone anybody that'd give me sech a lot of money."

"Listen, Peep: This here letter I'm holdin' in my hand came to me by to-day's mail—jest a little spell ago. It's frum Ireland—frum the town of Kilmare, where your people came frum. It was sent to me by a firm of barristers in that town—lawyers we'd call 'em. In this letter they ask me to find you and to tell you what's happened. It seems, from whut they write, that your uncle, by name Daniel O'Day, died not very long ago without issue—that is to say, without leavin' any children of his own, and without makin' any will.

"It appears he had eight thousand pounds saved up. Ever since he died those lawyers and some other folks over there in Ireland have been tryin' to find out who that money should go to. They learnt in some way that your father and your mother settled in this town a mighty long time ago, and that they died here and left one son, which is you. All the rest of the family over there in Ireland have already died out, it seems; that natchelly makes you the next of kin and the heir at law, which means that all your uncle's money comes direct to you.

"So, Peep, you're a wealthy man in your own name. That's the news I had to tell you. Allow me to congratulate you on your good fortune."

The beneficiary rose to his feet, seeming not to see the hand the old Judge had extended across the desktop toward him. On his face, of a sudden, was a queer,

eager look. It was as though he foresaw the coming true of long-cherished and heretofore unattainable visions.

"Have you got it here, suh?"

He glanced about him as though expecting to see a bulky bundle. Judge Priest smiled.

"Oh, no; they didn't send it along with the letter — that wouldn't be regular. There's quite a lot of things to be done fust. There'll be some proofs to be got up and sworn to before a man called a British consul; and likely there'll be a lot of papers that you'll have to sign; and then all the papers and the proofs and things will be sent across the ocean. And, after some fees are paid out over there — why, then you'll git your inheritance."

The rapt look faded from the strained face, leaving it downcast. "I'm afeared, then, I won't be able to claim that there money," he said forlornly.

"Why not?"

"Because I don't know how to sign my own name. Raised the way I was, I never got no book learnin'. I can't neither read nor write."

Compassion shadowed the Judge's chubby face; and compassion was in his voice as he made answer:

"You don't need to worry about that part of it. You can make your mark — just a cross mark on the paper, with witnesses present — like this."

He took up a pen, dipped it in the inkwell and illustrated his meaning.

"Yes, suh; I'm glad it kin be done thataway. I always wisht I knowed how to read big print and spell my own name out. I ast a feller oncet to write my name out fur me in plain letters on a piece of paper. I was aimin' to learn to copy it off; but I showed it to one of the hands at the liver' stable and he busted out laughin'. And then I come to find out this here feller had tricked me fur to make game of me. He hadn't wrote my name out a-tall — he'd wrote some dirty words instid. So after that I give up tryin' to educate myself. That was several years back and I ain't tried sence. Now I reckon I'm too old

to learn. . . . I wonder, suh — I wonder ef it'll be very long before that there money gits here and I begin to have the spendin' of it? "

"Makin' plans already? "

"Yes, suh," O'Day answered truthfully; "I am." He was silent for a moment, his eyes on the floor; then timidly he advanced the thought that had come to him. "I reckon, suh, it wouldn't be no more'n fair and proper ef I divided my money with you to pay you back fur all this trouble you're fixin' to take on my account. Would — would half of it be enough? The other half oughter last me fur what uses I'll make of it."

"I know you mean well and I'm much obliged to you fur your offer," stated Judge Priest, smiling a little; "but it wouldn't be fittin' or proper fur me to tech a cent of your money. There'll be some court dues and some lawyers' fees, and sech, to pay over there in Ireland; but after that's settled up everything comes direct to you. It's goin' to be a pleasure to me to help you arrange these here details that you don't understand — a pleasure and not a burden."

He considered the figure before him.

"Now here's another thing, Peep; I judge it's hardly fittin' fur a man of substance to go on livin' the way you've had to live durin' your life. Ef you don't mind my offerin' you a little advice I would suggest that you go right down to Felsburg Brothers when you leave here and git yourself fitted out with some suitable clothin'. And you'd better go to Max Biederman's, too, and order a better pair of shoes fur yourself than them you've got on. Tell 'em I sent you and that I guarantee the payment of your bills. Though I reckon that'll hardly be necessary — when the news of your good luck gits noised round I misdoubt whether there's any firm in our entire city that wouldn't be glad to have you on their books fur a stiddy customer.

"And, also, ef I was you I'd arrange to git me regular board and lodgin's somewheres round town. You see,

Peep, comin' into a property entails consider'ble many responsibilities right frum the start."

"Yes, suh," assented the legatee obediently. "I'll do jest ez you say, Judge Priest, about the clothes and the shoes, and all that; but — but, ef you don't mind, I'd like to go on livin' at Gafford's. Pete Gafford's been mighty good to me — him and his wife both; and I wouldn't like fur 'em to think I was gittin' stuck up jest because I've had this here streak of luck come to me. Mebbe, seein' ez how things has changed with me, they'd be willin' to take me in fur a table boarder at their house; but I shorely would hate to give up livin' in that there little room behind the feed room at the liver' stable. I don't know ez I could ever find any place that would seem ez homelike to me ez whut it is."

"Suit yourself about that," said Judge Priest heartily. "I don't know but whut you've got the proper notion about it after all."

"Yes, suh. Them Gaffords have been purty nigh the only real true friends I ever had that I could count on." He hesitated a moment. "I reckon — I reckon, suh, it'll be a right smart while, won't it, before that money gits here frum all the way acrost the ocean?"

"Why, yes; I imagine it will. Was you figurin' on investin' a little of it now?"

"Yes, suh; I was."

"About how much did you think of spendin' fur a beginnin'?"

O'Day squinted his eyes, his lips moving in silent calculation.

"Well, suh," he said at length, "I could use ez much ez a silver dollar. But, of course, sence —"

"That sounds kind of moderate to me," broke in Judge Priest. He shoved a pudgy hand into a pocket of his white trousers. "I reckon this detail kin be arranged. Here, Peep" — he extended his hand — "here's your dollar." Then, as the other drew back, stammering a refusal, he hastily added: "No, no, no; go ahead and

take it — it's yours. I'm jest advancin' it to you out of whut'll be comin' to you shortly.

"I'll tell you whut: Until sech time ez you are in position to draw on your own funds you jest drap in here to see me when you're in need of cash, and I'll try to let you have whut you require — in reason. I'll keep a proper reckinin' of whut you git and you kin pay me back ez soon ez your inheritance is put into your hands.

"One thing more," he added as the heir, having thanked him, was making his grateful adieu at the threshold: "Now that you're wealthy, or about to be so, I kind of imagine quite a passel of fellers will suddenly discover themselves strangely and affectionately drawn toward you. You're liable to find out you've always had more true and devoted friends in this community than whut you ever imagined to be the case before.

"Now friendship is a mighty fine thing, takin' it by and large; but it kin be overdone. It's barely possible that some of this here new crop of your well-wishers and admirers will be makin' little business propositions to you — desirin' to have you go partners with 'em in business, or to sell you desirable pieces of real estate; or even to let you loan 'em various sums of money. I wouldn't be surprised but whut a number of sech chances will be comin' your way durin' the next few days, and frum then on. Ef sech should be the case I would suggest to you that, before committin' yourself to anybody or anything, you tell 'em that I'm sort of actin' as your unofficial adviser in money matters, and that they should come to me and outline their little schemes in person. Do you git my general drift?"

"Yes, suh," said Peep. "I won't furgit; and thank you ag'in, Judge, specially fur lettin' me have this dollar ahead of time."

He shambled out with the coin in his hand; and on his face was again the look of one who sees before him the immediate fulfillment of a delectable dream.

With lines of sympathy and amusement crosshatched

at the outer corners of his eyelids, Judge Priest, rising and stepping to his door, watched the retreating figure of the town's newest and strangest capitalist disappear down the wide front steps of the courthouse.

Presently he went back to his chair and sat down, tugging at his short chin beard.

"I wonder now," said he, meditatively addressing the emptiness of the room, "I wonder whut a man sixty-odd-year old is goin' to do with the fust whole dollar he ever had in his life!"

It was characteristic of our circuit judge that he should have voiced his curiosity aloud. Talking to himself when he was alone was one of his habits. Also, it was characteristic of him that he had refrained from betraying his inquisitiveness to his late caller. Similar motives of delicacy had kept him from following the other man to watch the sequence.

However, at secondhand, the details very shortly reached him. They were brought by no less a person than Deputy Sheriff Quarles, who, some twenty minutes or possibly half an hour later, obtruded himself upon Judge Priest's presence.

"Judge," began Mr. Quarles, "you'd never in the world guess whut Old Peep O'Day done with the first piece of money he got his hands on out of that there forty thousand pounds of silver dollars he's come into from his uncle's estate."

The old man slanted a keen glance in Mr. Quarles' direction.

"Tell me, son," he asked softly, "how did you come to hear the glad tidin's so promptly?"

"Me?" said Mr. Quarles innocently. "Why, Judge Priest, the word is all over this part of town by this time. Why, I reckon twenty-five or fifty people must 'a' been watchin' Old Peep to see how he was goin' to act when he come out of this courthouse."

"Well, well, well!" murmured the Judge blandly. "Good news travels almost ez fast sometimes ez whut

bad news does — don't it, now? Well, son, I give up the riddle. Tell me jest whut our elderly friend did do with the first installment of his inheritance."

"Well, suh, he turned south here at the gate and went down the street, a-lookin' neither to the right nor the left. He looked to me like a man in a trance, almost. He keeps right on through Legal Row till he comes to Franklin Street, and then he goes up Franklin to B. Weil & Son's confectionery store; and there he turns in. I happened to be followin' 'long behind him, with a few others — with several others, in fact — and we-all sort of slowed up in passin' and looked in at the door; and that's how I come to be in a position to see what happened.

"Old Peep, he marches in jest like I'm tellin' it to you, suh; and Mr. B. Weil comes to wait on him, and he starts in buyin'. He buys hisself a five-cent bag of gumdrops; and a five-cent bag of jelly beans; and a ten-cent bag of mixed candies — kisses and candy mottoes, and sech ez them, you know; and a sack of fresh-roasted peanuts — a big sack, it was, fifteen-cent size; and two prize boxes; and some gingersnaps — ten cents' worth; and a cocoanut; and half a dozen red bananas; and half a dozen more of the plain yaller ones. Altogether I figger he spent a even dollar; in fact, I seen him hand Mr. Weil a dollar, and I didn't see him gittin' no change back out of it.

"Then he comes on out of the store, with all these things stuck in his pockets and stacked up in his arms till he looks sort of like some new kind of a summertime Santy Klaws; and he sets down on a goods box at the edge of the pavement, with his feet in the gutter, and starts in eatin' all them things.

"First, he takes a bite off a yaller banana and then off a red banana, and then a mouthful of peanuts; and then maybe some mixed candies — not sayin' a word to nobody, but jest natchelly eatin' his fool head off. A young chap that's clerkin' in Bagby's grocery, next door, steps up to him and speaks to him, meanin', I suppose,

to ast him is it true he's wealthy. And Old Peep, he says to him, 'Please don't come botherin' me now, sonny — I'm busy ketchin' up,' he says; and keeps right on a-munchin' and a-chewin' like all possessed.

"That ain't all of it, neither, Judge — not by a long shot it ain't! Purty soon Old Peep looks round him at the little crowd that's gathered. He didn't seem to pay no heed to the grown-up people standin' there; but he sees a couple of boys about ten years old in the crowd, and he beckons to them to come to him, and he makes room fur them alongside him on the box and divides up his knick-knacks with them.

"When I left there to come on back here he had no less'n six kids squatted round him, includin' one little nigger boy; and between 'em all they'd jest finished up the last of the bananas and peanuts and the candy and the gingersnaps, and was fixin' to take turns drinkin' the milk out of the cocoanut. I s'pose they've got it all cracked out of the shell and et up by now — the cocoanut, I mean. Judge, you oughter stepped down into Franklin Street and taken a look at the picture whilst there was still time. You neyer seen sech a funny sight in all your days, I'll bet!"

"I reckon 'twould be too late to be startin' now," said Judge Priest. "I'm right sorry I missed it. . . . Busy ketchin' up, huh? Yes; I reckon he is. . . . Tell me, son, whut did you make out of the way Peep O'Day acted?"

"Why, suh," stated Mr. Quarles, "to my mind, Judge, there ain't no manner of doubt but whut prosperity has went to his head and turned it. He acted to me like a plum' distracted idiot. A grown man with forty thousand pounds of solid money settin' on the side of a gutter eatin' jimcracks with a passel of dirty little boys! Kin you figure it out any other way, Judge — except that his mind is gone?"

"I don't set myself up to be a specialist in mental disorders, son," said Judge Priest softly; "but, sence you

ask me the question, I should say, speakin' offhand, that it looks to me more ez ef the heart was the organ that was mainly affected. And possibly"—he added this last with a dry little smile—"and possibly, by now, the stomach also."

Whether or not Mr. Quarles was correct in his psychopathic diagnosis, he certainly had been right when he told Judge Priest that the word was already all over the business district. It had spread fast and was still spreading; it spread to beat the wireless, traveling as it did by that mouth-to-ear method of communication which is so amazingly swift and generally so tremendously incorrect. Persons who could not credit the tale at all, nevertheless lost no time in giving to it a yet wider circulation; so that, as though borne on the wind, it moved in every direction, like ripples on a pond; and with each time of retelling the size of the legacy grew.

The *Daily Evening News*, appearing on the streets at five P. M., confirmed the tale; though by its account the fortune was reduced to a sum far below the gorgeously exaggerated estimates of most of the earlier narrators. Between breakfast and supper-time Peep O'Day's position in the common estimation of his fellow citizens underwent a radical and revolutionary change. He ceased—automatically, as it were—to be a town character; he became, by universal consent, a town notable, whose every act and every word would thereafter be subjected to close scrutiny and closer analysis.

The next morning the nation at large had opportunity to know of the great good fortune that had befallen Paul Felix O'Day, for the story had been wired to the city papers by the local correspondents of the same; and the press associations had picked up a stickful of the story and sped it broadcast over leased wires. Many who until that day had never heard of the fortunate man, or, indeed, of the place where he lived, at once manifested a concern in his well-being.

Certain firms of investment brokers in New York and Chicago promptly added a new name to what vulgarly they called their "sucker" lists. Dealers in mining stocks, in oil stocks, in all kinds of attractive stocks, showed interest; in circular form samples of the most optimistic and alluring literature the world has ever known were consigned to the post, addressed to Mr. P. F. O'Day, such-and-such a town, such-and-such a state, care of general delivery.

Various lonesome ladies in various lonesome places lost no time in sitting themselves down and inditing congratulatory letters; object matrimony. Some of these were single ladies; others had been widowed, either by death or request. Various other persons of both sexes, residing here, there, and elsewhere in our country, suddenly remembered that they, too, were descended from the O'Days of Ireland, and wrote on forthwith to claim proud and fond relationship with the particular O'Day who had come into money.

It was a remarkable circumstance, which speedily developed, that one man should have so many distant cousins scattered over the Union, and a thing equally noteworthy that practically all these kinspeople, through no fault of their own, should at the present moment be in such straitened circumstances and in such dire need of temporary assistance of a financial nature. Ticker and printer's ink, operating in conjunction, certainly did their work mighty well; even so, several days were to elapse before the news reached one who, of all those who read it, had most cause to feel a profound personal sensation in the intelligence.

This delay, however, was nowise to be blamed upon the tardiness of the newspapers; it was occasioned by the fact that the person referred to was for the moment well out of contact with the active currents of world affairs, he being confined in a workhouse at Evansville, Indiana.

As soon as he had rallied from the shock this individual set about making plans to put himself in direct touch

with the inheritor. He had ample time in which to frame and shape his campaign, inasmuch as there remained for him yet to serve nearly eight long and painfully tedious weeks of a three-months' vagrancy sentence. Unlike most of those now manifesting their interest, he did not write a letter; but he dreamed dreams that made him forget the annoyances of a ball and chain fast on his ankle and piles of stubborn stones to be cracked up into fine bits with a heavy hammer.

We are getting ahead of our narrative, though — days ahead of it. The chronological sequence of events properly dates from the morning following the morning when Peep O'Day, having been abruptly translated from the masses of the penniless to the classes of the wealthy, had forthwith embarked upon the gastronomic orgy so graphically detailed by Deputy Sheriff Quarles.

On that next day more eyes probably than had been trained in Peep O'Day's direction in all the unremarked and unremarkable days of his life put together were focused upon him. Persons who theretofore had regarded his existence — if indeed they gave it a thought — as one of the utterly trivial and inconsequential incidents of the cosmic scheme, were moved to speak to him, to clasp his hand, and, in numerous instances, to express a hearty satisfaction over his altered circumstances. To all these, whether they were moved by mere neighborly good will, or perchance were inspired by impulses of selfishness, the old man exhibited a mien of aloofness and embarrassment.

This diffidence or this suspicion — or this whatever it was — protected him from those who might entertain covetous and ulterior designs upon his inheritance even better than though he had been brusque and rude; while those who sought to question him regarding his plans for the future drew from him only mumbled and evasive replies, which left them as deeply in the dark as they had been before. Altogether, in his intercourse with adults he appeared shy and very ill at ease.

It was noted, though, that early in the forenoon he attached to him perhaps half a dozen urchins, of whom the oldest could scarcely have been more than twelve or thirteen years of age; and that these youngsters remained his companions throughout the day. Likewise the events of that day were such as to confirm a majority of the observers in practically the same belief that had been voiced of Mr. Quarles — namely, that whatever scanty brains Peep O'Day might have ever had were now completely addled by the stroke of luck that had befallen him.

In fairness to all — to O'Day and to the town critics who sat in judgment upon his behavior — it should be stated that his conduct at the very outset was not entirely devoid of evidences of sanity. With his troupe of ragged juveniles trailing behind him, he first visited Felsburg Brothers' Emporium to exchange his old and disreputable costume for a wardrobe that, in accordance with Judge Priest's recommendation, he had ordered on the afternoon previous, and which had since been undergoing certain necessary alterations.

With his meager frame incased in new black woollens, and wearing, as an incongruous added touch, the most brilliant of neckties, a necktie of the shade of a pomegranate blossom, he presently issued from Felsburg Brothers' and entered M. Biederman's shoe store, two doors below. Here Mr. Biederman fitted him with shoes, and in addition noted down a further order, which the purchaser did not give until after he had conferred earnestly with the members of his youthful entourage.

Those watching this scene from a distance saw — and perhaps marveled at the sight — that already, between these small boys, on the one part, and this old man, on the other, a perfect understanding appeared to have been established.

After leaving Biederman's, and tagged by his small escorts, O'Day went straight to the courthouse and, upon knocking at the door, was admitted to Judge Priest's

private chambers, the boys meantime waiting outside in the hall. When he came forth he showed them something he held in his hand and told them something; whereupon all of them burst into excited and joyous whoops.

It was at that point that O'Day, by the common verdict of most grown-up onlookers, began to betray the vagaries of a disordered intellect. Not that his reason had not been under suspicion already, as a result of his freakish excess in the matter of B. Weil & Son's wares on the preceding day; but the relapse that now followed, as nearly everybody agreed, was even more pronounced, even more symptomatic than the earlier attack of aberration.

In brief, this was what happened: To begin with, Mr. Virgil Overall, who dealt in lands and houses and sold insurance of all the commoner varieties on the side, had stalked O'Day to this point and was lying in wait for him as he came out of the courthouse into the Public Square, being anxious to describe to him some especially desirable bargains, in both improved and unimproved realty; also, Mr. Overall was prepared to book him for life, accident and health policies on the spot.

So pleased was Mr. Overall at having distanced his professional rivals in the hunt that he dribbled at the mouth. But the warmth of his disappointment and indignation dried up the salivary founts instantly when the prospective patron declined to listen to him at all and, breaking free from Mr. Overall's detaining clasp, hurried on into Legal Row, with his small convoys trotting along ahead and alongside him.

At the door of the Blue Goose Saloon and Short Order Restaurant its proprietor, by name Link Iserman, was lurking, as it were, in ambush. He hailed the approaching O'Day most cordially; he inquired in a warm voice regarding O'Day's health; and then, with a rare burst of generosity, he invited, nay urged, O'Day to step inside and have something on the house — wines, ales, liquors or cigars; it was all one to Mr. Iserman. The other merely shook his head and, without a word of

thanks for the offer, passed on as though bent upon an important mission.

Mark how the proofs were accumulating: The man had disclaimed the company of men of approximately his own age or thereabout; he had refused an opportunity to partake of refreshment suitable to his years; and now he stepped into the Bon Ton toy store and bought for cash — most inconceivable of acquisitions! — a little wagon that was painted bright red and bore on its sides, in curlicued letters, the name Comet.

His next stop was made at Bishop & Bryan's grocery, where, with the aid of his youthful compatriots, he first discriminatingly selected, and then purchased on credit, and finally loaded into the wagon, such purchases as a dozen bottles of soda pop, assorted flavors; cheese, crackers — soda and animal; sponge cakes with weather-proof pink icing on them; fruits of the season; cove oysters; a bottle of pepper sauce; and a quantity of the extra large sized bright green cucumber pickles known to the trade as the Fancy Jumbo Brand, Prime Selected.

Presently the astounding spectacle was presented of two small boys, with string bridles on their arms, drawing the wagon through our town and out of it into the country, with Peep O'Day in the rôle of teamster walking alongside the laden wagon. He was holding the lines in his hands and shouting orders at his team, who showed a colty inclination to shy at objects, to kick up their heels without provocation, and at intervals to try to run away. Eight or ten small boys — for by now the troupe had grown in number and in volume of noise — trailed along, keeping step with their elderly patron and advising him shrilly regarding the management of his refractory span.

As it turned out, the destination of this preposterous procession was Bradshaw's Grove, where the entire party spent the day picnicking in the woods and, as reported by several reliable witnesses, playing games. It was not so strange that holidaying boys should play games; the

amazing feature of the performance was that Peep O'Day, a man old enough to be grandfather to any of them, played with them, being by turns an Indian chief, a robber baron, and the driver of a stagecoach attacked by Wild Western desperadoes.

When he returned to town at dusk, drawing his little red wagon behind him, his new suit was rumpled into many wrinkles and marked by dust and grass stains; his flame-colored tie was twisted under one ear; his new straw hat was mashed quite out of shape; and in his eyes was a light that sundry citizens, on meeting him, could only interpret for a spark struck from inner fires of madness.

Days that came after this, on through the midsummer, were, with variations, but repetitions of the day I have just described. Each morning Peep O'Day would go to either the courthouse or Judge Priest's home to turn over to the Judge the unopened mail which had been delivered to him at Gafford's stables; then he would secure from the Judge a loan of money against his inheritance. Generally the amount of his daily borrowing was a dollar; rarely was it so much as two dollars; and only once was it more than two dollars.

By nightfall the sum would have been expended upon perfectly useless and absolutely childish devices. It might be that he would buy toy pistols and paper caps for himself and his following of urchins; or that his whim would lead him to expend all the money in tin flutes. In one case the group he so incongruously headed would be for that one day a gang of make-believe banditti; in another, they would constitute themselves a fife-and-drum corps — with barreltops for the drums — and would march through the streets, where scandalized adults stood in their tracks to watch them go by, they all the while making weird sounds, which with them passed for music.

Or again, the available cash resources would be invested in provender; and then there would be an outing

in the woods. Under Peep O'Day's captaincy his chosen band of youngsters picked dewberries; they went swimming together in Guthrie's Gravel Pit, out by the old Fair Grounds, where his spare naked shanks contrasted strongly with their plump freckled legs as all of them splashed through the shallows, making for deep water. Under his leadership they stole watermelons from Mr. Dick Bell's patch, afterward eating their spoils in thickets of grapevines along the banks of Perkins' Creek.

It was felt that mental befuddlement and mortal folly could reach no greater heights — or no lower depths — than on a certain hour of a certain day, along toward the end of August, when O'Day came forth from his quarters in Gafford's stables, wearing a pair of boots that M. Biederman's establishment had turned out to his order and his measure — not such boots as a sensible man might be expected to wear, but boots that were exaggerated and monstrous counterfeits of the red-topped, scroll-fronted, brass-toed, stub-heeled, squeaky-soled bootees that small boys of an earlier generation possessed.

Very proudly and seemingly unconscious of, or, at least, oblivious to, the derisive remarks that the appearance of these new belongings drew from many persons, the owner went clumping about in them, with the rumply legs of his trousers tucked down in them, and ballooning up and out over the tops in folds which overlapped from his knee joints halfway down his attenuated calves.

As Deputy Sheriff Quarles said, the combination was a sight fit to make a horse laugh. It may be that small boys have a lesser sense of humor than horses have, for certainly the boys who were the old man's invariable shadows did not laugh at him, or at his boots either. Between the whiskered senior and his small comrades there existed a freemasonry that made them all sense a thing beyond the ken of most of their elders. Perhaps this was because the elders, being blind in their superior wisdom, saw neither this thing nor the communion that flourished. They saw only the farcical joke. But His

Honor, Judge Priest, to cite a conspicuous exception, seemed not to see the lamentable comedy of it.

Indeed, it seemed to some almost as if Judge Priest were aiding and abetting the befogged O'Day in his demented enterprises, his peculiar excursions and his weird purchases. If he did not actually encourage him in these constant exhibitions of witlessness, certainly there were no evidences available to show that he sought to dissuade O'Day from his strange course.

At the end of a fortnight one citizen, in whom patience had ceased to be a virtue and to whose nature long-continued silence on any public topic was intolerable, felt it his duty to speak to the Judge upon the subject. This gentleman — his name was S. P. Escott — held, with many, that, for the good name of the community, steps should be taken to abate the infantile, futile activities of the besotted legatee.

Afterward Mr. Escott, giving a partial account of the conversation with Judge Priest to certain of his friends, showed unfeigned annoyance at the outcome.

"I claim that old man's not fittin' to be runnin' a court any longer," he stated bitterly. "He's too old and peevish — that's what ails him! For one, I'm certainly not never goin' to vote fur him again. Why, it's gettin' to be ez much ez a man's life is worth to stop that there spiteful old crank in the street and put a civil question to him — that's whut's the matter!"

"What happened S. P.?" inquired some one.

"Why, here's what happened!" exclaimed the aggrieved Mr. Escott. "I hadn't any more than started in to tell him the whole town was talkin' about the way that daffy Old Peep O'Day was carryin' on, and that somethin' had oughter be done about it, and didn't he think it was beholdin' on him ez circuit judge to do somethin' right away, sech ez havin' O'Day tuck up and tried fur a lunatic, and that I fur one was ready and willin' to testify to the crazy things I'd seen done with my own eyes — when he cut in on me and jest ez good ez told

me to my own face that ef I'd quit tendin' to other people's business I'd mebbe have more business of my own to tend to.

"Think of that, gentlemen! A circuit judge be-meanin' a citizen and a taxpayer"—he checked himself slightly—"anyhow, a citizen, thataway! It shows he can't be rational his ownself. Personally I claim Old Priest is failin' mentally—he must be! And ef anybody kin be found to run against him at the next election you gentlemen jest watch and see who gits my vote!"

Having uttered this threat with deep and significant emphasis Mr. Escott, still muttering, turned and entered the front gate of his boarding house. It was not exactly his boarding house; his wife ran it. But Mr. Escott lived there and voted from there.

But the apogee of Peep O'Day's carnival of weird vagaries of deportment came at the end of two months—two months in which each day the man furnished cumulative and piled-up material for derisive and jocular comment on the part of a very considerable proportion of his fellow townsmen.

Three occurrences of a widely dissimilar nature, yet all closely interrelated to the main issue, marked the climax of the man's new rôle in his new career. The first of these was the arrival of his legacy; the second was a one-ring circus; and the third and last was a nephew.

In the form of sundry bills of exchange the estate left by the late Daniel O'Day, of the town of Kilmare, in the island of Ireland, was on a certain afternoon delivered over into Judge Priest's hands, and by him, in turn, handed to the rightful owner, after which sundry indebtednesses, representing the total of the old Judge's day-to-day cash advances to O'Day, were liquidated.

The ceremony of deducting this sum took place at the Planters' Bank, whither the two had journeyed in company from the courthouse. Having, with the aid of the paying teller, instructed O'Day in the technical details

requisite to the drawing of personal checks, Judge Priest went home and had his bag packed, and left for Reelfoot Lake to spend a week fishing. As a consequence he missed the remaining two events, following immediately thereafter.

The circus was no great shakes of a circus; no grand, glittering, gorgeous, glorious pageant of education and entertainment, traveling on its own special trains; no vast tented city of world's wonders and world's champions, heralded for weeks and weeks in advance of its coming by dead walls emblazoned with the finest examples of the lithographer's art, and by half-page advertisements in the *Daily Evening News*. On the contrary, it was a shabby little wagon show, which, coming overland on short notice, rolled into town under horse power, and set up its ragged and dusty canvases on the vacant lot across from Yeiser's drug store.

Compared with the street parade of any of its great and famous rivals, the street parade of this circus was a meager and disappointing thing. Why, there was only one elephant, a dwarfish and debilitated-looking creature, worn mangy and slick on its various angles, like the cover of an old-fashioned haircloth trunk; and obviously most of the closed cages were weather-beaten stake wagons in disguise. Nevertheless, there was a sizable turnout of people for the afternoon performance. After all, a circus was a circus.

Moreover, this particular circus was marked at the afternoon performance by happenings of a nature most decidedly unusual. At one o'clock the doors were opened; at one-ten the eyes of the proprietor were made glad and his heart was uplifted within him by the sight of a strange procession, drawing nearer and nearer across the scuffed turf of the Common, and heading in the direction of the red ticket wagon.

At the head of the procession marched Peep O'Day — only, of course, the proprietor didn't know it was Peep O'Day — a queer figure in his rumpled black clothes and

his red-topped brass-toed boots, and with one hand holding fast to the string of a captive toy balloon. Behind him, in an uneven jostling formation, followed many small boys and some small girls. A census of the ranks would have developed that here were included practically all the juvenile white population who otherwise, through a lack of funds, would have been denied the opportunity to patronize this circus or, in fact, any circus.

Each member of the joyous company was likewise the bearer of a toy balloon — red, yellow, blue, green, or purple, as the case might be. Over the line of heads the taut rubbery globes rode on their tethers, nodding and twisting like so many big iridescent bubbles; and half a block away, at the edge of the lot, a balloon vender, whose entire stock had been disposed of in one splendid transaction, now stood, empty-handed but full-pocketed, marveling at the stroke of luck that enabled him to take an afternoon off and rest his voice.

Out of a seemingly bottomless exchequer Peep O'Day bought tickets of admission for all. But this was only the beginning. Once inside the tent he procured accommodations in the reserved-seat section for himself and those who accompanied him. From such superior points of vantage the whole crew of them witnessed the performance, from the thrilling grand entry, with span-gled ladies and gentlemen riding two by two on broad-backed steeds, to the tumbling bout introducing the full strength of the company, which came at the end.

They munched fresh-roasted peanuts and balls of sugar-coated popcorn, slightly rancid, until they munched no longer with zest but merely mechanically. They drank pink lemonade to an extent that threatened absolute depletion of the fluid contents of both barrels in the refreshment stand out in the menagerie tent. They whooped their unbridled approval when the wild Indian chief, after shooting down a stuffed coon with a bow and arrow from somewhere up near the top of the center pole while balancing himself jauntily erect upon the haunches

of a coursing white charger, suddenly flung off his feathered headdress, his wig and his fringed leather garments, and revealed himself in pink fleshings as the principal bareback rider.

They screamed in a chorus of delight when the funny old clown, who had been forcibly deprived of three tin flutes in rapid succession, now produced yet a fourth from the seemingly inexhaustible depths of his baggy white pants — a flute with a string and a bent pin attached to it — and, secretly affixing the pin in the tail of the cross ringmaster's coat, was thereafter enabled to toot sharp shrill blasts at frequent intervals, much to the chagrin of the ringmaster, who seemed utterly unable to discover the whereabouts of the instrument dangling behind him.

But no one among them whooped louder or laughed longer than their elderly and bewhiskered friend, who sat among them, paying the bills. As his guests they stayed for the concert; and, following this, they patronized the side show in a body. They had been almost the first upon the scene; assuredly they were the last of the audience to quit it.

Indeed, before they trailed their confrère away from the spot the sun was nearly down; and at scores of supper tables all over town the tale of poor old Peep O'Day's latest exhibition of freakishness was being retailed, with elaborations, to interested auditors. Estimates of the sum probably expended by him in this crowning extravagance ranged well up into the hundreds of dollars.

As for the object of these speculations, he was destined not to eat any supper at all that night. Something happened that so upset him as to make him forget the meal altogether. It began to happen when he reached the modest home of P. Gafford, adjoining the Gafford stables, on Locust Street, and found sitting on the lowermost step of the porch a young man of untidy and unshaved aspect, who hailed him affectionately as Uncle Paul, and who showed deep annoyance and acute distress upon being rebuffed with chill words.

It is possible that the strain of serving a three-months' sentence, on the technical charge of vagrancy, in a work-house somewhere in Indiana, had affected the young man's nerves. His ankle bones still ached where the ball and chain had been hitched; on his palms the blisters induced by the uncongenial use of a sledge hammer on a rock pile had hardly as yet turned to calluses. So it is only fair to presume that his nervous system felt the stress of his recent confining experiences also.

Almost tearfully he pleaded with Peep O'Day to remember the ties of blood that bound them; repeatedly he pointed out that he was the only known kinsman of the other in all the world, and, therefore, had more reason than any other living being to expect kindness and generosity at his uncle's hands. He spoke socialistically of the advisability of an equal division; failing to make any impression here he mentioned the subject of a loan — at first hopefully, but finally despairingly.

When he was done Peep O'Day, in a perfectly colorless and unsympathetic voice, bade him good-by — not good-night but good-by! And, going inside the house, he closed the door behind him, leaving his newly returned relative outside and quite alone.

At this the young man uttered violent language; but, since there was nobody present to hear him, it is likely he found small satisfaction in his profanity, rich though it may have been in metaphor and variety. So presently he betook himself off, going straight to the office in Legal Row of H. B. Sublette, Attorney-at-law.

From the circumstance that he found Mr. Sublette in, though it was long past that gentleman's office hours, and, moreover, found Mr. Sublette waiting in an expectant and attentive attitude, it might have been adduced by one skilled in the trick of putting two and two together that the pair of them had reached a prior understanding sometime during the day; and that the visit of the young man to the Gafford home and his speeches there had all been parts of a scheme planned out at a prior conference.

Be this as it may, so soon as Mr. Sublette had heard his caller's version of the meeting upon the porch he lost no time in taking certain legal steps. That very night, on behalf of his client, denominated in the documents as Percival Dwyer, Esquire, he prepared a petition addressed to the circuit judge of the district, setting forth that, inasmuch as Paul Felix O'Day had by divers acts shown himself to be of unsound mind, now, therefore, came his nephew and next of kin praying that a committee or curator be appointed to take over the estate of the said Paul Felix O'Day, and administer the same in accordance with the orders of the court until such time as the said Paul Felix O'Day should recover his reason, or should pass from this life, and so forth and so on; not to mention whereases in great number and aforesaid abounding throughout the text in the utmost profusion.

On the following morning the papers were filed with Circuit Clerk Milam. That vigilant barrister, Mr. Sublette, brought them in person to the courthouse before nine o'clock, he having the interests of his client at heart and perhaps also visions of a large contingent fee in his mind. No retainer had been paid. The state of Mr. Dwyer's finances — or, rather, the absence of any finances — had precluded the performance of that customary detail; but to Mr. Sublette's experienced mind the prospects of future increment seemed large.

Accordingly he was all for prompt action. Formally he said he wished to go on record as demanding for his principal a speedy hearing of the issue, with a view to preventing the defendant named in the pleadings from dissipating any more of the estate lately bequeathed to him and now fully in his possession — or words to that effect.

Mr. Milam felt justified in getting into communication with Judge Priest over the long-distance 'phone; and the Judge, cutting short his vacation and leaving uncaught vast numbers of bass and perch in Reelfoot Lake, came home, arriving late that night.

Next morning, having issued divers orders in connection with the impending litigation, he sent a messenger to find Peep O'Day and to direct O'Day to come to the courthouse for a personal interview.

Shortly thereafter a scene that had occurred some two months earlier, with his Honor's private chamber for a setting, was substantially duplicated: there was the same cast of two, the same stage properties, the same atmosphere of untidy tidiness. And, as before, the dialogue was in Judge Priest's hands. He led and his fellow character followed his leads.

"Peep," he was saying, "you understand, don't you, that this here fragrant nephew of yours that's turned up from nowheres in particular is fixin' to git ready to try to prove that you are feeble-minded? And, on top of that, that he's goin' to ask that a committee be app'inted fur you — in other words, that somebody or other shall be named by the court, meanin' me, to take charge of your property and control the spendin' of it frum now on?"

"Yes, suh," stated O'Day. "Pete Gafford he set down with me and made hit all clear to me, yestiddy evenin', after they'd done served the papers on me."

"All right, then. Now I'm goin' to fix the hearin' fur to-morrow mornin' at ten. The other side is askin' fur a quick decision; and I rather figger they're entitled to it. Is that agreeable to you?"

"Whutever you say, Judge."

"Well, have you retained a lawyer to represent your interests in court? That's the main question that I sent fur you to ast you."

"Do I need a lawyer, Judge?"

"Well, there have been times when I regarded lawyers ez bein' superfluous," stated Judge Priest dryly. "Still, in most cases litigants do have 'em round when the case is bein' heard."

"I don't know ez I need any lawyer to he'p me say whut I've got to say," said O'Day. "Judge, you ain't never ast me no questions about the way I've been car-

ryin' on sence I come into this here money; but I reckon mebber this is ez good a time ez any to tell you jest why I've been actin' the way I've done. You see, suh —"

"Hold on!" broke in Judge Priest. "Up to now, ez my friend, it would 'a' been perfectly proper fur you to give me your confidences ef you were minded so to do; but now I reckon you'd better not. You see, I'm the judge that's got to decide whether you are a responsible person — whether you're mentally capable of handlin' your own financial affairs, or whether you ain't. So you'd better wait and make your statement in your own behalf to me whilst I'm settin' on the bench. I'll see that you git an opportunity to do so and I'll listen to it; and I'll give it all the consideration it's deservin' of.

"And, on second thought, p'raps it would only be a waste of time and money fur you to go hirin' a lawyer specially to represent you. Under the law it's my duty, in sech a case ez this here one is, to app'int a member of the bar to serve durin' the proceedin's ez your guardian *ad litem*.

"You don't need to be startled," he added, as O'Day flinched at the sound in his ears of these strange and fearful words. "A guardian *ad litem* is simply a lawyer that tends to your affairs till the case is settled one way or the other. Ef you had a dozen lawyers I'd have to app'int him jest the same. So you don't need to worry about that part of it.

"That's all. You kin go now ef you want to. Only, ef I was you, I wouldn't draw out any more money from the bank 'twixt now and the time when I make my decision."

All things considered, it was an unusual assemblage that Judge Priest regarded over the top rims of his glasses as he sat facing it in his broad armchair, with the flat top of the bench intervening between him and the gathering. Not often, even in the case of exciting murder trials, had the old courtroom held a larger crowd; certainly never

had it held so many boys. Boys, and boys exclusively, filled the back rows of benches downstairs. More boys packed the narrow shelf-like balcony that spanned the chamber across its far end — mainly small boys, barefooted, sunburned, freckle-faced, shock-headed boys. And, for boys, they were strangely silent and strangely attentive.

The petitioner sat with his counsel, Mr. Sublette. The petitioner had been newly shaved, and from some mysterious source had been equipped with a neat wardrobe. Plainly he was endeavoring to wear a look of virtue, which was a difficult undertaking, as you would understand had you known the petitioner.

The defending party to the action was seated across the room, touching elbows with old Colonel Farrell, dean of the local bar and its most florid orator.

"The court will designate Col. Horatio Farrell as guardian *ad litem* for the defendant during these proceedings," Judge Priest had stated a few minutes earlier, using the formal and grammatical language he reserved exclusively for his courtroom.

At once old Colonel Farrell had hitched his chair up alongside O'Day; had asked him several questions in a tone inaudible to those about them; had listened to the whispered answers of O'Day; and then had nodded his huge curly white dome of a head, as though amply satisfied with the responses.

Let us skip the preliminaries. True, they seemed to interest the audience; here, though, they would be tedious reading. Likewise, in touching upon the opening and outlining address of Attorney-at-Law Sublette let us, for the sake of time and space, be very much briefer than Mr. Sublette was. For our present purposes, I deem it sufficient to say that in all his professional career Mr. Sublette was never more eloquent, never more forceful, never more vehement in his allegations, and never more convinced — as he himself stated, not once but repeatedly — of his ability to prove the facts he alleged by compe-

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tent and unbiased testimony. These facts, he pointed out, were common knowledge in the community; nevertheless, he stood prepared to buttress them with the evidence of reputable witnesses, given under oath.

Mr. Sublette, having unwound at length, now wound up. He sat down, perspiring freely and through the perspiration radiating confidence in his contentions, confidence in the result, and, most of all, unbounded confidence in Mr. Sublette.

Now Colonel Farrell was standing up to address the court. Under the cloak of a theatrical presence and a large orotund manner, and behind a Ciceronian command of sonorous language, the colonel carried concealed a shrewd old brain. It was as though a skilled marksman lurked in ambush amid a tangle of luxuriant foliage. In this particular instance, moreover, it is barely possible that the colonel was acting on a cue, privily conveyed to him before the court opened.

"May it please Your Honor," he began, "I have just conferred with the defendant here; and, acting in the capacity of his guardian *ad litem*, I have advised him to waive an opening address by counsel. Indeed, the defendant has no counsel. Furthermore, the defendant, also acting upon my advice, will present no witnesses in his own behalf. But, with Your Honor's permission, the defendant will now make a personal statement; and thereafter he will rest content, leaving the final arbitrament of the issue to Your Honor's discretion."

"I object!" exclaimed Mr. Sublette briskly.

"On what ground does the learned counsel object?" inquired Judge Priest.

"On the grounds that, since the mental competence of this man is concerned — since it is our contention that he is patently and plainly a victim of senility, an individual prematurely in his dotage — any utterances by him will be of no value whatsoever in aiding the conscience and intelligence of the court to arrive at a fair and just conclusion regarding the defendant's mental condition."

Mr. Sublette excelled in the use of big words; there was no doubt about that.

"The objection is overruled," said Judge Priest. He nodded in the direction of O'Day and Colonel Farrell. "The court will hear the defendant. He is not to be interrupted while making his statement. The defendant may proceed."

Without further urging, O'Day stood up, a tall, slab-sided rack of a man, with his long arms dangling at his sides, half facing Judge Priest and half facing his nephew and his nephew's lawyer. Without hesitation he began to speak. And this was what he said:

"There's mebbe some here ez knows about how I was raised and fetched up. My paw and my maw died when I was jest only a baby; so I was brung up out here at the old county porehouse ez a pauper. I can't remember the time when I didn't have to work for my board and keep, and work hard. While other boys was goin' to school and playin' hooky, and goin' in washin' in the creek, and playin' games, and all sech ez that, I had to work. I never done no playin' round in my whole life — not till here jest recently, anyway.

"But I always craved to play round some. I didn't never say nothin' about it to nobody after I growed up, 'cause I figgered it out they wouldn't understand and mebbe'd laugh at me; but all these years, ever sence I left that there porehouse, I've had a hankerin' here inside of me" — he lifted one hand and touched his breast — "I've had a hankerin' to be a boy and to do all the things a boy does; to do the things I was chiseled out of doin' whilst I was of a suitable age to be doin' 'em. I call to mind that I uster dream in my sleep about doin' 'em; but the dream never come true — not till jest here lately. It didn't have no chancet to come true — not till then.

"So, when this money come to me so sudden and unbeknownstlike I said to myself that I was goin' to make that there dream come true; and I started out fur to do it. And I done it! And I reckon that's the cause of

my bein' here to-day, accused of bein' feeble-minded. But, even so, I don't regret it none. Ef it was all to do over ag'in, I'd do it jest the very same way.

"Why, I never knowed whut it was, till here two months or so ago, to have my fill of bananas and candy and gingersnaps, and all sech knickknacks ez them. All my life I've been cravin' secretly to own a pair of red-topped boots with brass toes on 'em, like I used to see other boys wearin' in the wintertime when I was out yonder at that porehouse wearin' an old pair of somebody else's cast-off shoes — mebbe a man's shoes, with rags wropped round my feet to keep the snow frum comin' through the cracks in 'em, and to keep 'em from slippin' right spang off my feet. I got three toes frostbit oncet durin' a cold spell, wearin' them kind of shoes. But here the other week I found myself able to buy me some red-top boots with brass toes on 'em. So I had 'em made to order and I'm wearin' 'em now. I wear 'em reg'lar even ef it is summertime. I take a heap of pleasure out of 'em. And, also, all my life long I've been wantin' to go to a circus. But not till three days ago I didn't never git no chancet to go to one.

"That gentleman yonder — Mister Sublette — he 'lowed jest now that I was leadin' a lot of little boys in this here town into bad habits. He said that I was learnin' 'em nobody knowed whut devilment. And he spoke of my havin' egged 'em on to steal watermelons frum Mister Bell's watermelon patch out here three miles frum town, on the Marshallville gravel road. You-all heard whut he jest now said about that.

"I don't mean no offense and I beg his pardon fur contradictin' him right out before everybody here in the big courthouse; but, mister, you're wrong. I don't lead these here boys astray that I've been runnin' round with. They're mighty nice clean boys, all of 'em. Some of 'em are mighty near ez pore ez whut I uster be; but there ain't no real harm in any of 'em. We git along together fine — me and them. And, without no preachin', nor

nothin' like that, I've done my best these weeks we've been frolickin' and projectin' round together to keep 'em frum growin' up to do mean things. I use chawin' tobacco myself; but I've told 'em, I don't know how many times, that ef they chaw it'll stunt 'em in their growth. And I've got several of 'em that was smokin' cigarettes on the sly to promise me they'd quit. So I don't figger ez I've done them boys any real harm by goin' round with 'em. And I believe ef you was to ast 'em they'd all tell you the same, suh.

"Now about them watermelons: Sence this gentleman has brung them watermelons up, I'm goin' to tell you-all the truth about that too."

He cast a quick, furtive look, almost a guilty look, over his shoulder toward the rear of the courtroom before he went on:

"Them watermelons wasn't really stole at all. I seen Mister Dick Bell beforehand and arranged with him to pay him in full fur whutever damage mout be done. But, you see, I knowed watermelons tasted sweeter to a boy ef he thought he'd hooked 'em out of a patch; so I never let on to my little pardners yonder that I'd the same ez paid Mister Bell in advance fur the melons we snuck out of his patch and et in the woods. They've all been thinkin' up till now that we really hooked them watermelons. But ef that was wrong I'm sorry fur it.

"Mister Sublette, you jest now said that I was fritterin' away my property on vain foolishment. Them was the words you used — 'fritterin'' and 'vain foolishment.' Mebbe you're right, suh, about the fritterin' part; but ef spendin' money in a certain way gives a man ez much pleasure ez it's give me these last two months, and ef the money is his'n by rights, I figger it can't be so very foolish; though it may 'pear so to some.

"Excusin' these here clothes I've got on and these here boots, which ain't paid fur yet, but is charged up to me on Felsburg Brothers' books and Mister M. Biederman's books, I didn't spend only a dollar a day, or mebbe two

dollars, and once three dollars in a single day out of whut was comin' to me. The Judge here, he let me have that out of his own pocket; and I paid him back. And that was all I did spend till here three days ago when that there circus come to town. I reckon I did spend a right smart then.

"My money had come frum the old country only the day before; so I went to the bank and they writ out one of them pieces of paper which is called a check, and I signed it — with my mark; and they give me the money I wanted — an even two hundred dollars. And part of that there money I used to pay fur circus tickets fur all the little boys and little girls I could find in this town that couldn't 'a' got to the circus no other way. Some of 'em are settin' back there behind you-all now — some of the boys, I mean; I don't see none of the little girls.

"There was several of 'em told me at the time they hadn't never seen a circus — not in their whole lives. Fur that matter, I hadn't, neither; but I didn't want no pore child in this town to grow up to be ez old ez I am without havin' been to at least one circus. So I taken 'em all in and paid all the bills; and when night come there wasn't but 'bout nine dollars left out of the whole two hundred that I'd started out with in the mornin'. But I don't begrege spendin' it. It looked to me like it was money well invested. They all seemed to enjoy it; and I know I done so.

"There may be bigger circuses'n whut that one was; but I don't see how a circus could 'a' been any better than this here one I'm tellin' about, ef it was ten times ez big. I don't regret the investment and I don't aim to lie about it now. Mister Sublette, I'd do the same thing over ag'in ef the chance should come, lawsuit or no lawsuit. Ef you should win this here case mebbe I wouldn't have no second chance.

"Ef some gentleman is app'inted ez a committee to handle my money it's likely he wouldn't look at the thing the same way I do; and it's likely he wouldn't let me

have so much money all in one lump to spend takin' a passel of little shavers that ain't no kin to me to the circus and to the side show, besides lettin' 'em stay fur the grand concert or after show, and all. But I done it once; and I've got it to remember about and think about in my own mind ez long ez I live.

"I'm 'bout finished now. There's jest one thing more I'd like to say, and that is this: Mister Sublette he said a minute ago that I was in my second childhood. Meanin' no offense, suh, but you was wrong there too. The way I look at it, a man can't be in his second childhood without he's had his first childhood; and I was cheated plum' out of mine. I'm more'n sixty years old, ez near ez I kin figger; but I'm tryin' to be a boy before it's too late."

He paused a moment and looked round him.

"The way I look at it, Judge Priest, suh, and you-all, every man that grows up, no matter how old he may git to be, is entitled to 'a' been a boy oncet in his lifetime. I — I reckon that's all."

He sat down and dropped his eyes upon the floor, as though ashamed that his temerity should have carried him so far. There was a strange little hush filling the courtroom. It was Judge Priest who broke it.

"The court," he said, "has by the words just spoken by this man been sufficiently advised as to the sanity of the man himself. The court cares to hear nothing more from either side on this subject. The petition is dismissed."

Very probably these last words may have been as so much Greek to the juvenile members of the audience; possibly, though, they were made aware of the meaning of them by the look upon the face of Nephew Percival Dwyer and the look upon the face of Nephew Percival Dwyer's attorney. At any rate, His Honor hardly had uttered the last syllable of his decision before, from the rear of the courtroom and from the gallery above, there arose a shrill, vehement, sincere sound of yelling — ex-

ultant, triumphant, and deafening. It continued for upward of a minute before the small disturbers remembered where they were and reduced themselves to a state of comparative quiet.

For reasons best known to himself, Judge Priest, who ordinarily stickled for order and decorum in his courtroom, made no effort to quell the outburst or to have it quelled — not even when a considerable number of the adults present joined in it, having first cleared their throats of a slight huskiness that had come upon them, severally and generally.

Presently the Judge rapped for quiet — and got it. It was apparent that he had more to say; and all there hearkened to hear what it might be.

“I have just this to add,” quoth His Honor: “It is the official judgment of this court that the late defendant, being entirely sane, is competent to manage his own affairs after his preferences.

“And it is the private opinion of this court that not only is the late defendant sane but that he is the sanest man in this entire jurisdiction. Mister Clerk, this court stands adjourned.”

Coming down the three short steps from the raised platform of the bench, Judge Priest beckoned to Sheriff Giles Birdsong, who, at the tail of the departing crowd, was shepherding its last exuberant members through the doorway.

“Giles,” said Judge Priest in an undertone, when the worthy sheriff had drawn near, “the circuit clerk tells me there’s an indictment for malicious mischief ag’in this here Perce Dwyer knockin’ round amongst the records somewheres — an indictment the grand jury returned several sessions back, but which was never pressed, owin’ to the sudden departure from our midst of the person in question.

“I wonder ef it would be too much trouble fur you to sort of drap a hint in the ear of the young man or his lawyer that the said indictment is apt to be revived, and

that the said Dwyer is liable to be tuck into custody by you and lodged in the county jail sometime during the ensuin' forty-eight hours — without he should see his way clear durin' the meantime to get clean out of this city, county and state! Would it?"

"Trouble? No, suh! It won't be no trouble to me," said Mr. Birdsong promptly. "Why, it'll be more of a pleasure, Judge."

And so it was.

Except for one small added and purely incidental circumstance, our narrative is ended. That same afternoon Judge Priest sat on the front porch of his old white house out on Clay Street, waiting for Jeff Poindexter to summon him to supper. Peep O'Day opened the front gate and came up the graveled walk between the twin rows of silver-leaf poplars. The Judge, rising to greet his visitor, met him at the top step.

"Come in," bade the Judge heartily, "and set down a spell and rest your face and hands."

"No, suh; much obliged, but I ain't got only a minute to stay," said O'Day. "I jest come out here, suh, to thank you fur whut you done to-day on my account in the big courthouse, and — and to make you a little kind of a present."

"It's all right to thank me," said Judge Priest; "but I couldn't accept any reward fur renderin' a decision in accordance with the plain facts."

"'Tain't no gift of money, or nothin' like that," O'Day hastened to explain. "Really, suh, it don't amount to nothin' at all, scursely. But a little while ago I happened to be in Mr. B. Weil & Son's store, doin' a little tradin', and I run acrost a new kind of knickknack, which it seemed like to me it was about the best thing I ever tasted in my whole life. So, on the chancet, suh, that you might have a sweet tooth, too, I taken the liberty of bringin' you a sack of 'em and — and — and here they are, suh; three flavors — strawberry, lemon and vanilly."

Suddenly overcome with confusion, he dislodged a

large-sized paper bag from his side coat pocket and thrust it into Judge Priest's hands; then, backing away, he turned and clumped down the graveled path in great and embarrassed haste.

Judge Priest opened the bag and peered down into it.

It contained a sticky sugary dozen of flattened confectations, each molded round a short length of wooden splinter. These sirupy articles, which have since come into quite general use, are known, I believe, as all-day suckers.

When Judge Priest looked up again, Peep O'Day was outside the gate, clumping down the uneven sidewalk of Clay Street with long strides of his booted legs. Half a dozen small boys, who, it was evident, had remained hidden during the ceremony of presentation, now mysteriously appeared and were accompanying the departing donor, half trotting to keep up with him.